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5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

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8 STATE OF NEVADA,
9 Plaintiff,
10 v.
11 ARAH MAUBA BEY,
12 Defendant.

Case No.: 2:20-cv-02263-KJD-NJK

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28 **ORDER**

[Docket No. 1]

Pending before the Court is Defendant's application for leave to proceed *in forma pauperis*. Docket No. 1. Defendant submits that the Privacy Act of 1974 does not require him to provide the information requested in the application. *Id.* at 2. However, the Court's Local Rules require an applicant to disclose his income, assets, expenses, and liabilities to properly determine whether the applicant should be granted leave to proceed *in forma pauperis*. LSR 1-1. *See Sangster v. Clark Cty. Det. Ctr.*, 2005 WL 8159830, at *1 (D. Nev. June 21, 2005) ("The right to proceed in a civil action in forma pauperis is a privilege, not a right, granted by statute and local rules and is not limited.") (citing *Jefferson v. United States*, 277 F.2d 723, 724–25 (9th Cir. 1960)); *see also Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) ("[A] plaintiff seeking IFP status must allege poverty 'with some particularity, definiteness and certainty.'") (quoting *United States v. McQuade*, 647 F.2d 938, 940 (9th Cir. 1981)). Accordingly, the Court will deny Defendant's application for leave to proceed *in forma pauperis* without prejudice.

The Court will retain Defendant's documents, but will not file them until the matter of the payment of the filing fee is resolved. Docket Nos. 1-1, 1-2. Defendant will be granted an opportunity to cure the deficiencies of his application to proceed *in forma pauperis* or, in the alternative, pay the full filing fee for this action.

1 Accordingly, Defendant's application to proceed *in forma pauperis* is hereby **DENIED**
2 without prejudice. Docket No. 1. The Court will retain Defendant's documents, but will not file
3 them until the matter of the filing fee is resolved. Docket Nos. 1-1, 1-2. No later than January 15,
4 2021, Defendant shall either make the necessary arrangements to pay the filing fee, accompanied
5 by a copy of this order, or file a complete and accurate application to proceed *in forma pauperis*.
6 The Clerk's Office shall send Defendant a blank application form. Failure to timely comply with
7 this order will result in a recommendation to the District Judge that this case be dismissed without
8 prejudice.

9 IT IS SO ORDERED.

10 Dated: December 16, 2020

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12 Nancy J. Koppe
13 United States Magistrate Judge

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